

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Shelley Analyst: Roger Lackey Bill Number: AB 1099

Related Bills: See Prior Analysis Telephone: 845-3627 Amended Date: 07-12-99

Attorney: Patrick Kusiak Sponsor:

SUBJECT: Public Records/Computerized Data/State Agencies Provide In Any Form Or Format Used By Agency

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

☒ DEPARTMENT POSITION CHANGED TO neutral.

☒ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED May 12, 1999 STILL APPLIES.

OTHER - See comments below.

SUMMARY OF BILL

This bill would provide that no state or local agency could purchase, lease, or create any electronic data processing system for the storage, manipulation, or retrieval of public records, unless the new system would not, in light of the agency's data processing requirements, significantly impair or impede the agency's ability to permit the inspection of public records.

Also, this bill would add specific requirements relating to the form in which computerized data may be provided to the public and make several other changes to laws regarding electronic data.

SUMMARY OF AMENDMENT

The July 12, 1999, amendments provide a state agency additional determining factors in regard to the agency's data processing requirements and modifies the legal standard to whether the new system would "significantly impair" rather than "impair" the agency's ability to permit the public inspection of public records. The amendments also provided that nothing in this bill should be construed to affect or require amendment to any existing contract or lease.

In addition, the amendments would require a state agency upon denial of a request for records to notify the requester in writing with an explanation for the denial. The amendments also provide that this bill not be construed to require a public agency to reconstruct a report or record in an electronic format if the state agency no longer has that record available in an electronic format.

The amendments made other minor changes which would not significantly impact the department.

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input checked="" type="checkbox"/> N	<input type="checkbox"/> OUA	<input type="checkbox"/> PENDING

Department/Legislative Director Date

Johnnie Lou Rosas 7/21/1999

Except for the discussion of this analysis, the department's analysis of AB 1099 as amended May 12, 1999, still applies.

BOARD POSITION

Neutral.

At its July 6, 1999, meeting, the Franchise Tax Board voted 2-0 to take a neutral position on this bill as amended May 12, 1999.